

07 AUG 1999



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

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400 Capitol Mall, Suite 1550
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In re Application of : DECISION ON
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA: :
PCT No.: PCT/US99/09880 : PETITION
Int. Filing Date: 19 April 1999 :
Priority Date: 21 April 1998 : UNDER 37 CFR 1.182
Attorney's Docket No.: UC98-194-2P :
For: CONTROL METHOD AND APPARATUS FOR :
INTERNAL COMBUSTION ENGINE ELECTRIC :
HYBRID VEHICLES :

This decision is in response to the PETITION filed 17 May 1999 and SECOND PETITION filed 02 July 1999 requesting that international filing date of 19 April 1999 be accorded the above international application.

On 24 April 1999, applicant deposited a purported international application consisting of a Transmittal Letter to the United States Receiving Office, Request (Form PCT/RO/101), description, claims, abstract, drawings, a fee calculation sheet, and a check. The RO/US on 12 May 1999 mailed to applicant an "INVITATION TO CORRECT THE PURPORTED INTERNATIONAL APPLICATION" (Form PCT/RO/103) indicating the purported international application does not fulfill the requirements under Article 11(1) for the according of an international filing date because the application does not contain a part which on its face appears to be a description and claims (PCT Article 11(1)(iii)(d) and (iii)(e)). The Invitation also informed applicant that "The international filing date will be the date on which the corrections are received, if that date falls within the time limit indicated above." The time limit was set as one month from the mailing of the "Invitation."

On 17 May 1999, applicant filed a present petition, accompanied by copies of a description (18 Sheets), claims (4 sheets), abstract sheet (1 sheet), drawings (9 sheets) and an itemized post card stamped with a PCT/PTO stamp with a date of 19 April 1999. The card indicates that the above-identified international application was with the aforementioned items.

Applicant's evidence is being accepted that the international application deposited with the Patent and Trademark Office on 11 December 1998 contained 18 sheets of description, 4 sheets of claims, an abstract and 9 sheets of drawings.

On 06 August 1999, applicant filed a copy of the Customer Receipt of the "Express Mail" mailing label #EL348669591US. The mailing label was addressed to the "BOX PCT, ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513 ATTN RO/US" and shows a "Date In" of "4/19/99."

The evidence of record is sufficient to establish with reasonable certainty that the international application papers were deposited with the United States Postal Service as an "Express Mail" Mailing on 19 April 1999. Specifically, the "Express Mail" label number ("#EL348669591US") appears on "Express Mail" certificate on the Transmittal Letter. Additionally, the number UC98-194-2P appears on the "Express Mail" label which is the same as the attorney docket number appearing on the Request and the Transmittal Letter. The indication of the "Express Mail" label number appearing on the Transmittal Letter ties the "Express Mail" label and the Transmittal Letter together such that it is clear that the international application was deposited on 19 April 1999.

Accordingly, applicant's request that the receiving Office correct the international filing date to 19 April 1999 is GRANTED.

The application is being returned to the US Receiving Office to correct the international filing date of the present international application to 19 April 1999 and to promptly notify the International Bureau and the international searching authority ISA/US.



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